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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15

16 E. I. DU PONT DE NEMOURS AND COMPANY

Plaintiff

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Case No. 3:11-cv-01665-JSW

**JOINT STATUS REPORT AND
[PROPOSED] ORDER EXTENDING
STAY OF ACTION**

19 USA PERFORMANCE TECHNOLOGY

Judge: Hon. Jeffrey S. White
Hearing Date: None

20 INC., PERFORMANCE GROUP (USA),
INC., WALTER LIEW, and JOHN LIU,
21

Defendants.

Pursuant to the Court’s March 27, 2012 Order, Plaintiff E. I. du Pont de Nemours and Company (“DuPont”) and defendants Walter Liew and USA Performance Technology, Inc. (collectively “USAPT”) submit this Joint Status Report. The parties request that the stay in this matter set to expire on July 30, 2012, remain in place for an additional 60 days, through September 28, 2012.

1 On August 23, 2011, the United States filed *United States v. Walter Liew and Christina*
 2 *Liew*, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding
 3 indictment in said action. *Id.* at Docket # 64.

4 DuPont's Position: The superseding indictment alleges that defendant Walter Liew, his
 5 wife, Christina Liew, and several other defendants violated multiple federal trade secret and
 6 economic espionage laws when they stole – and utilized – the trade secrets at issue in this action.
 7 *Inter alia*, Mr. Liew is charged with Conspiracy to Commit Economic Espionage, Conspiracy to
 8 Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade Secrets, Witness
 9 Tampering, and False Statements. *See id.* ¶¶ 16-97. In addition, the superseding indictment
 10 identifies five DuPont trade secrets relating to its TiO₂ technology at issue in the criminal action.
 11 *Id.* ¶ 14.

12 USAFT's Position: Defendants believe that the superseding indictment speaks for itself,
 13 and no further explanation or commentary is appropriate or needed.

14 On September 7, 2011, this Court issued an Order relating the criminal proceeding with
 15 this action, pursuant to its determination that this action and the criminal proceeding are related
 16 within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

17 On September 23, 2011, the parties filed a joint status report requesting that the stay
 18 initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket
 19 # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

20 On November 23, 2011, the parties filed an additional joint status report requesting that
 21 the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties'
 22 request on November 29, 2011. (Docket # 48.)

23 On January 24, 2012, the parties filed an additional joint status report requesting that the
 24 stay be extended for an additional 60 days. (Docket # 49.) The Court granted the parties'
 25 request on January 31, 2012. (Docket # 50.)

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27 ¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to
 28 Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants
 in this action are Walter Liew and his company, USA Performance Technology Inc.

1 On March 26, 2012, the parties filed an additional joint status report requesting that the
2 stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties'
3 request on March 27, 2012. (Docket # 52.)

4 On May 23, 2012, the parties filed an additional joint status report requesting that the
5 stay be extended for an additional 60 days. (Docket # 53). The Court granted the parties'
6 request on May 23, 2012. (Docket # 54).

7 The undersigned counsel request that the stay remain in place for an additional 60 days,
8 at which time the parties will update the Court.

9 Dated: July 23, 2012

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16 By /s/ Morgan K. Lopez
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Dated: July 23, 2012

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22 By /s/ Daniel S. Mount
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Technology, Inc., and Walter Liew

1 **[PROPOSED] ORDER**

2 Having read and considered the Joint Status Report,

3 **IT IS ORDERED THAT:**

4 The parties' request that the stay be extended until September 28, 2012 is hereby
5 GRANTED. Counsel shall submit a joint status report on or before September 21, 2012.

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8 July 24, 2012

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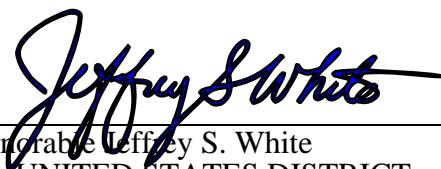
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Honorable Jeffrey S. White
UNITED STATES DISTRICT
JUDGE